THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2337 of 2007

Dated: 26.02.2007

Between:

M/s Sri Sai Srinivasa Residential Welfare Association,
rep.by its President, Visakhapatnam, and others.

..... PETITIONERS

AND

The Government of A.P., rep. by its Principal Secretary, Revenue,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

Petitioners 2 to 21 are residents of various Villages in and around Visakhapatnam. They are statedly members of first petitioner-association, which initially filed instant writ petition. Petitioners 2 to 21, as they have individual cause of action, came to be impleaded as the petitioners subsequently by reason of the order of this Court dated 19.02.2007 in W.P.M.P.No.3801 of 2007.

The petitioners allegedly purchased house plots admeasuring 200 to 700 sq. yards from the previous owners under different registered sale deeds during the year 1997 and/or 1998. The land is comprised in survey No.275 D1 situated at Adivivaram Village, Gopalapatnam Mandal, Visakhapatnam District, which is admittedly owned by Sri Varaha Laxmi Narasimha Swamy, second respondent herein. Be that as it is, after a long drawn persuasion by the encroachers of the temple land – presumably the vendors of the petitioners as well; the Government issued G.O.Ms.No.578 dated 19.08.2000 introducing a scheme for regularization of the encroachment/occupation by those persons, who claimed to have purchased land in survey No.275. The time fixed in said G.O. for making applications duly paying the value of the land as prescribed by the Government was extended from time to time by different orders till 30.04.2004. Petitioners 2 to 4 claim that they have made applications to second respondent in November, 2004, whereas petitioners 5 to 21 allegedly made applications before 30.04.2004. All of them allege that second respondent did not take any action on their applications for regularization as per G.O.Ms.No.578 dated 19.08.2000. They, therefore, seek a direction to that effect.

At the stage of admission itself, the learned standing counsel for second respondent-temple has brought to the notice of this Court that G.O.Ms.No.578 dated 19.08.2000 has been superseded by subsequent G.O.Ms.No.253 dated 03.03.2005. He also placed reliance on an unreported judgment of this Court in **K. Appa Rao v. The Govt. of A.P.**[1], wherein this Court, having regard to Section 80 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, and also noticing the fact that G.O.Ms.No.578 dated 19.08.2000 is no longer operational by reason of G.O.Ms.No.253 dated 03.03.2005, dismissed the writ petition, wherein a direction was sought to the Executive Officer of the respondent-temple to receive the amount and issue appropriate proceedings. He contends that the applications made after the last date cannot be given any consideration.

In view of the above, the matter is disposed of in the following manner.

The applications made by petitioners 5 to 21, if they are still pending, shall be disposed of by the Executive Officer of second respondent-temple in accordance with G.O.Ms.No.253 dated 03.03.2005, if a committee as contemplated therein is already constituted. Insofar as the applications of petitioners 2 to 4 are concerned, admittedly they were made in November, 2004, long after expiry of the last date and therefore, they cannot be considered. No costs.

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(**V.V.S.RAO, J**)

26th February, 2007
ghn

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[1] W.P.No.25827 of 2006 dated 13.12.2006